



ENGINEERING AND RESOURCE PROTECTION REVIEW COMMENTS
Xanterra Kingsmill Rezoning Master Plan Amendment
COUNTY PLAN Z-003-13 / MP-001-13
December 27, 2013

The Engineering and Resource Protection Division does not recommend approval of the rezoning application at this time, until further progress or satisfactory response is provided to the following comments as developed based on review of the resubmittal.

General:

1. Response to previous comment indicates wetland delineation has already been completed to assess potential impacts of proposed development. Staff requests that this information be included with the next submittal and its findings reflected in RPA delineation. These locations could significantly affect the feasibility of some lots and subsequently entire layout(s). Previous comment #4 is restated again here:

"While various limits of the Resource Protection Area (RPA) are presented in this application, the origin of these limits is unknown. Be advised that the existing delineation of these areas is considered illustrative and final delineations will be subject to current regulatory requirements. As such, the proposed masterplan layout may not be feasible in some areas without Chesapeake Bay Board (CBB) approval because this masterplan does not fall under the guidelines established in the Chesapeake Bay Preservation Ordinance Transition – Amendments and Grandfathering/Vesting Rules, approved by the Board of Supervisors on November 25, 2003. In these instances, staff would not recommend approval to the CBB because other alternatives clearly exist. It is for this reason that staff recommends that the RPA be completely and accurately delineated at this time."

2. Proffers. Draft proffer conditions were provided in the submittal to rezone R-4 property to R-4 with proffers. Consistent with the statement of intent Section 24-274 of residential planned community district R-4, please consider or explore the following for the project's voluntary proffer conditions to show environmental benefit consistent with provisions to protect and preserve natural resources and limit the least amount of disturbance to natural features. First, Page 9 of the CIS indicates use of upland water quality measures (LID features). Consider or explore a proffer condition to commit to use of Low Impact Development or Better Site Design measures within all or select land bays to show distinct environmental benefit. Second, project narratives indicate Areas 1, 2, 6 and 7 drain to the College Creek watershed. Consider or explore a condition to contribute to a future watershed management plan for College Creek to show distinct environmental benefit.
3. Section VII of the CIS implies that stormwater requirements will be met if runoff is reduced from predevelopment rates. Though this is a first step to ensure compliance, the need to evaluate the adequacy of receiving channels in accordance with Minimum Standard # 19 of the Virginia Erosion and Sediment Control regulations still applies and verification of the respective channel for erosion resistance and capacity to convey existing or additional drainage will be required with the plan of development submittal. If the channels are found to be degraded then additional channel improvements, stabilization or attenuation measures may be required. In addition, the County has more

stringent water quantity control requirements. Stream channel protection requirements require 24 hour detention of volume from the post-development 1-year, 24 hour storm event. This is beyond just demonstration of no increase or a decrease in peak flow. Please state the need to comply with County stream channel protection requirements in the stormwater management narrative in the CIS.

4. In accordance with the previously approved master stormwater master plan for Xanterra Kingsmill LLC, Division Plan No. SWM-01-12 dated June 29, 2012, Wareham's Pond and Kingsmill Pond have been credited as 8 point BMPs. Please revise the amended master plan drawings and CIS accordingly. Also, the CIS should make mention of the previously approved master stormwater management plan.
5. Staff has some concerns with regard to the buildability of Area 6. A site visit on 12/23/13 shows a live stream through Lots 4 and 3, the proposed road, and a potential stormwater management pond. Due to difficulties with permitting, staff recommends that the applicant revisit the feasibility of this location.
6. As the Kingsmill Pond is not owned by Xanterra, a shared Inspection and Maintenance agreement between KCSA and Xanterra, as well as all necessary recorded drainage easements must be provided to the Engineering and Resource Protection Division prior to the issuance of any land disturbing permits for the proposed areas of development.
7. Areas 1 and 2 are downstream of a large dam, Kingsmill Pond. Area 5 is downstream of large dam, Rhine River Lake. Both are known to be subject to state dam safety act and regulation requirements (ie. state inventoried dams). Therefore, site plans for these land bay developments will be subject to the provisions of mapped dam break inundation zone requirements of the state dam safety act and regulations and Section 19-27(k) of the County's subdivision ordinance.
8. If water quality compliance for the land bay developments proposed in the rezoning application rely on existing stormwater management BMP facilities including Kingsmill Pond (County BMP ID Code: CC019), Warehams Pond (JR008), Moody's Pond (JR012) or the Rhine River Lake (JR004), at the time of final plan of development, the provisions of Section 23-9(b)(8)(a) will apply. If compliance for a development is based in whole or part on the use of existing downstream onsite or offsite structural BMPs, evidence shall be provided that (such) facilities are currently in good working order and performing at the design levels of service. The manager may require a review of both the original design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this chapter.